

DAVID SYDNEY, SWC PHOENIX FUND I, L.P., MARTIN NOVICK, J RENEE BRENNAN LIVING TRUST, SCOTT SCHROEPFER, KENNETH KAMHOLZ, JOE SPEISER, and ELBERT CAPITAL I LLC, Individually and On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

CEDAR REALTY TRUST, INC., CEDAR REALTY TRUST PARTNERSHIP, L.P., WHEELER REAL ESTATE INVESTMENT TRUST, INC., BRUCE J. SCHANZER, GREGG A. GONSALVES, ABE EISENSTAT, STEVEN G. ROGERS, SABRINA KANNER, DARCY D. MORRIS, RICHARD H. ROSS and SHARON STERN

Defendants.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MARYLAND

Case No.: C-15-CV-22-001527

Honorable Judge Cummins

MOTION FOR EXPEDITED BRIEFING SCHEDULE AND HEARING DATE.¹

Plaintiffs respectfully request that this Court issue an expedited briefing schedule and set a hearing date to adjudicate Plaintiffs' Motion for Preliminary Injunction pursuant to Maryland Rules 2-311, 15-502, 15-505, and the Court's inherent power to manage its own docket. If the Motion for Preliminary Injunction is not decided before May 27, 2022, which is the vote date for

¹ To the extent not otherwise defined herein, capitalized terms shall have the same meaning as in Plaintiffs' Amended Class Action Complaint.

Cedar's proposed merger with Wheeler, Plaintiffs will lose the status quo and suffer injury that is irreparable.

As set forth in Plaintiffs' Memorandum of Law In Support of Plaintiffs' Motion for Preliminary Injunction ("Preliminary Injunction Memorandum of Law"), if a preliminary injunction is not issued, Plaintiffs will suffer irreparable harm because if the status quo is not preserved and the Gross Proceeds from the Proposed Transactions are distributed to thousands of Common Stockholders before a determination on the merits, and Plaintiffs later prevail on the merits, Plaintiffs will then need to commence thousands of lawsuits across the country to "claw back" the wrongfully distributed funds from Common Stockholders.

Defendants will not be prejudiced because Plaintiffs' Preliminary Injunction Memorandum of Law submits arguments that mostly overlap with those in Plaintiffs' Memorandum of Law In Support of Plaintiffs' Motion for Expedited Discovery that was filed with the Court on April 21, 2022. To the extent that Plaintiffs advance new arguments, Defendants will nevertheless have an appropriate amount of time to prepare a response.

Accordingly, Plaintiffs respectfully request that the Court order a briefing schedule and hearing date as set forth below:

| Event | Date |
|-----------------------------------|--|
| Defendants File Response Papers | May 16, 2022 |
| Plaintiffs File Reply Papers | May 20, 2022 |
| Hearing On Preliminary Injunction | At the Court's convenience prior to May 27, 2022 |

Dated: May 6, 2022

Respectfully Submitted,

/s/ Donald J. Enright

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2022, a copy of the foregoing Motion for Expedited Briefing Schedule and Hearing Date was served on counsel of record for all parties via this Court's MDEC electronic filing system.

/s/ Donald J. Enright
(Attorney ID: 9612170271)